

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 06, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALLAH@

Petitioner,

v.

ANCER L. HAGGERTY and DONALD
R. HOLBROOK

Respondents.

No. 4:19-CV-05279-SAB

**ORDER DENYING MOTION
FOR RELIEF FROM
JUDGMENT**

Before the Court is Petitioner's Motion for Relief from Judgment and Order F.R.C.P. Rule 60(b)(2) Newly Discovered Evidence; (3) Fraud; (4) Void Judgment; (6) Any Other Reason Justifying Relief from Operation of Judgment, ECF No. 15. Petitioner is *pro se*. Respondents have not been served.

On April 20, 2020, Petitioner's appeal to the Ninth Circuit in this matter was dismissed for lack of jurisdiction. On April 28, 2020, this Court dismissed this matter without prejudice for Petitioner's failure to comply with Habeas Rule 3(a)(2) related to filing his fee and *informa pauperis* application. Petitioner now requests the Court provide relief from judgment based on Fed. R. Civ. P. 60(b) for newly discovered evidence, fraud, void judgment, or any other reason justifying relief.

Rule 60(c) requires a motion seeking relief pursuant to Rule 60(b) be within

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1 one year of judgment for allegations of (1) mistake, (2) newly discovered evidence,
2 or (3) fraud. Time is not limited for (4) judgment that is void, (5) judgment
3 satisfied, released, or discharged, or (6) any other justifiable reason.

4 Petitioner filed this Motion nearly five years after the Court's final order on
5 April 28, 2020. Therefore, he is time-barred from seeking relief as to Rule
6 60(b)(1), (2), and (3). Further, he has not provided any facts to show his judgment
7 in this matter is void, satisfied, released, or discharged. There is no other justifiable
8 reason why this Court should provide relief from its judgment dismissing this
9 matter for failure to comply with Habeas Rule 3(a)(2). As such, the Court denies
10 Petitioner's Motion.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. Petitioner's Motion for Relief from Judgment and Order F.R.C.P.
13 Rule 60(b)(2) Newly Discovered Evidence; (3) Fraud; (4) Void Judgment; (6) Any
14 Other Reason Justifying Relief from Operation of Judgment, ECF No. 15, is
15 **DENIED.**

16 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
17 provide copies to *pro se* Petitioner, and keep the file **closed**.

18 **DATED** this 6th day of March 2025.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

24 Stanley A. Bastian
25 Chief United States District Judge
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